

### **REMARKS**

In response to the Office Action mailed May 26, 2009, Applicants respectfully request reconsideration. Claims 15 and 17-43 were previously pending in this application. Claims 15, 17-21 and 33-36 have been amended. As a result, claims 15 and 17-43 are pending for examination with claims 15, 21, 33 and 36 being independent. No new matter has been added.

#### **Objections to the Claims**

The Office Action objected to claims 19 and 34-35 because of minor informalities. In response, claims 19 and 34-35 have been amended to correct these informalities. Accordingly, these objections should be withdrawn.

#### **Rejections under 35 U.S.C. §112**

The Office Action rejected claims 15 and 17-20 under 35 U.S.C. §112, second paragraph, as being indefinite for lack of proper antecedent basis. Claims 15 and 17-20 have been amended to address these issues. Accordingly, these rejections should be withdrawn.

#### **Rejections Under 35 U.S.C. §102**

The Office Action rejected claims 15, 17-34 and 36-43 under 35 U.S.C. §102(e) as purportedly being anticipated by U.S. Patent 6,201,536 (Hendricks '536). Applicants traverse these rejections because Hendricks '536 is not prior art to the present application.

The present application claims priority to U.S. Patent 5,758,257, which was filed on November 29, 1994. Hendricks '536 was filed on December 2, 1994, subsequent to Applicants' priority date. The claims of the present application are fully supported by the '257 patent as filed. In fact, *the U.S.P.T.O. has already conceded this point*. On November 19, 2002, the U.S.P.T.O. (improperly) issued a final rejection of claims 15 and 17-43 of the present application as purportedly being anticipated by U.S. Patent 5,758,257, *the same patent to which the present application claims priority*. Of course, this rejection was overcome because it was improper to reject the present application in view of Applicant's own priority application. Although the rejection in view of the '257 patent was improper, the U.S.P.T.O. analyzed the '257 patent and

concluded that the '257 patent disclosed the invention claimed in the present application. The Final Office Action mailed November 19, 2002 includes the U.S.P.T.O.'s analysis showing that the present claims are fully disclosed/supported by the '257 patent. In view of the U.S.P.T.O.'s own analysis and conclusions, the claims of the present application are entitled to the priority date of November 29, 1994. Therefore, Hendricks '536 has been improperly cited as prior art, and these rejections should be withdrawn.

**CONCLUSION**

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, the Director is hereby authorized to charge any deficiency or credit any overpayment in the fees filed, asserted to be filed or which should have been filed herewith to our Deposit Account No. 23/2825, under Docket No. P0813.70013US01.

Dated: November 26, 2009

Respectfully submitted,

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